

Application No. 10/620,069

REMARKS/ARGUMENTS

Although this application is now otherwise in condition for allowance, with no prior art rejections of any claims, the examiner in the second office action has made another formal rejection of claims 1 and 5 under 35 USC § 112, second paragraph, for using the word "nonsymmetrical" in alleged contrast to the word "orthogonal" [now removed]. Also, the previously added words "non-spring" were objected to as to the extending legs of the spring. This application is otherwise indicated as allowable if corrected. Since these additional grounds of rejection were not available to applicants representative to correct from the first office action, the entry of this mere three word deletion clarifying amendment is respectfully requested. That is, this formal rejection was already thought to have been overcome by the prior amendment, and is thus respectfully traversed. Claim 1 [the only independent claim] as previously amended specifically recites "wherein said normal force spring biasing system provides a nonsymmetrical orthogonal spring biasing of said idler shafts towards only one of said two opposing side walls of said mounting slots in which said idler shafts are mounted." [emphasis supplied]. This is clearly specific as to "nonsymmetrical."

Furthermore it is clear from a comparison of "prior art" Fig. 2 to present Fig 4, for example, and also the specification description, that there is nothing ambiguous about the further claim 1 limitations added by amendment of: "wherein said nonsymmetrical spring biasing is provided by a nonsymmetrical torsion spring [30A] with a central coil [31A] wrapped around said idler shaft [14] and integral extending uncoiled generally linear wire legs anchored adjacent their outer ends in nonsymmetrical anchoring positions [32A versus 34A]." [Fig. 4 reference numbers inserted.] These nonsymmetrical anchoring positions 32A and 34A are clearly shown in Fig. 4 and are specifically described in paragraph 20 of the specification, etc., as non-symmetrical by being at different vertical distances.

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The specification is also formally objected to, for failure to provide "headings" (subtitles) for the various sections. [There is no dispute that all the parts of this application are in the proper *order and sequence*.] This objection solely for not having such internal "headings" is respectfully traversed as NOT a USPTO *mandatory* requirement for patent applications, as the USPTO has acknowledged. These "headings" are merely *suggested* in 37 CFR 1.77 "Arrangement of application." 37 CFR 1.77 is *not* a *mandatory* PTO Rule. 37 CFR 1.77(c) says that the respective text, if applicable "SHOULD" be preceded by a section heading in uppercase [and not underlined or bolded]. There is no dispute as to the meaning of "should" in a PTO Rule. E.g., the August 1998 issue of the POPANEWS, the Patent Office Professional Association newsletter [reporting a PTO examiner arbitration decision] states that: "Noteworthy for examiners was [PTO] management's admission during the arbitration that the wording of a rule in the Manual of Patent Examining Procedure determines whether it is permissive or mandatory. PTO counsel and a management witness both agreed that the MPEP's use of 'should' means the rule is permissive, while the use of 'shall' states the rule is mandatory." Furthermore, another reason this rule is not mandatory is that the use of such subtitles within the specification is NOT allowed in many foreign equivalent patent applications, thus requiring amendments of U.S. specifications to remove them for foreign filing, contrary to PTO "harmonization" policies.

Contingent Petition: If this objection or rejection is not accordingly withdrawn, please treat this paper as Applicants petition, and charge the applicable petition fee to Xerox Deposit Account No. 24-0025. The Applicant's representative is unfortunately effectively

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forced by the PTO to do this because this matter is not appealable, and the PTO refuses to consider petitions not timely filed from the date of the petitionable action in question.

No additional fee is believed to be required for this amendment. However, the undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

A telephone interview is *again* respectfully requested at the number listed below prior to any further Office Action, i.e., if the Examiner has any remaining questions or issues to address after this paper. The undersigned will be happy to discuss any further Examiner-proposed amendments as may be appropriate.

Respectfully submitted,



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PFM/gmm